

NOTICE OF PROPOSED RULEMAKING

OFFICE OF THE STATE FIRE MARSHAL California Code of Regulations Title -19

The State Fire Marshal proposes to adopt the proposed regulations described below after considering all comments, objections or recommendations regarding the proposed action.

PUBLIC HEARING

The State Fire Marshal has not scheduled a public hearing on this proposed action. However, The State Fire Marshal will hold a public hearing if a written request is received from any interested party or their authorized representative no later than 15 days before the end of the 45-day comment period.

WRITTEN COMMENT PERIOD

The State Fire Marshal will accept written comments regarding this regulatory action until 5 pm on August 7, 2006.

Send mailed comments to:

OFFICE OF THE STATE FIRE MARSHAL
Attention: Kevin Reinertson
P.O. Box 944246
Sacramento, CA 94244-2460

Or by e-mail to
ProposedNFPA25Adoption@fire.ca.gov

Or you may fax your comments to:
Attention: Kevin Reinertson
(916) 327-4998

AUTHORITY & REFERENCE

The State Fire Marshal is proposing this regulatory action pursuant to Health and Safety Code Sections: 13195, 13196.5, 13197 with reference to 13195, Health and Safety Code.

INFORMATIVE DIGEST - POLICY STATEMENT OVERVIEW

The State Fire Marshal proposes to: 1) Incorporate by reference NFPA 25 Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, 2002 ed. 2) Amend and/or repeal sections in NFPA 25 to correlate with the requirements in Title 19. 3) Adopt, amend and/or repeal sections in Title 19 CCR, Chapter 5. Automatic Fire Extinguishing Systems to correlate with the requirements in NFPA 25.

Current Law requires the State Fire Marshal to establish and control a program for servicing, testing, and maintaining all automatic fire extinguishing systems and to establish minimum frequencies of service, inspection and testing for the various types of automatic fire extinguishing systems. Automatic fire extinguishing systems include, but are not limited to fire sprinkler systems, engineered and pre-engineered fixed extinguishing systems, standpipe systems, and alarm and supervisory equipment attached to those systems.

The currently adopted State Fire Marshal regulations for the Inspection, Testing, and Maintenance of automatic fire extinguishing systems has changed little since they were first enacted in 1983. The current proposal is to adopt the nationally recognized standard (NFPA 25, 2002 Edition – Standard for the Inspection, Testing, and Maintenance of water-Based Fire Protection Systems) and to amend it to meet the needs of California. In addition, this proposal also adopts, amends and/or repeals various sections in Chapter 5, Automatic Fire Extinguishing Systems, Title 19 CCR so that it does not duplicate the requirements contained in NFPA 25, 2002 Edition.

The State Fire Marshal utilized the Automatic Fire Extinguisher Advisory Committee to make recommendations regarding revising these regulations.

Proposed Title 19 Modified Sections

Section 901 is being proposed to be amended to include the incorporation by reference of NFPA 25, Annexes A, C, D, and E, with California amendments.

Sections 902 is being proposed to be amended to reflect the inclusion of systems defined as automatic fire extinguishing systems.

Section 902.4 is being proposed to be amended to include the tags and to add Clean Agent Systems to the examples given.

Section 902.9 is being proposed to be adopted to reflect the definition of inspection as it appears in NFPA 25

Section 902.11 is being proposed to be amended to clarify the definitions of license and licensee.

Section 902.12 is being proposed to be amended to reflect the definition of maintenance as it appears in NFPA 25.

Section 902.15 is being proposed to be amended to add clean agent systems to the examples given.

Section 902.18 is being proposed to be amended to change the definition of service necessitated by the incorporation of NFPA 25.

Section 902.19 is being proposed to be adopted to add the definition of testing to reflect changes necessitated by the incorporation of NFPA 25.

Throughout Sections 904 and 905 references to “service” is being proposed to be changed to “inspection, testing and/or maintenance” in order to be consistent with NFPA 25.

Sections 904 and 904.1 are being proposed to be amended to reflect changes necessitated by the incorporation of NFPA 25.

Section 904.2 is being proposed to be amended to reflect changes necessitated by the incorporation of NFPA 25 and to require the contractor to notify both the building owner and the local fire authority of the completion of the testing and maintenance.

Sections 904.3, 904.4, 904.5 and 904.6 are being proposed to be repealed because those requirements are addressed in NFPA 25.

Section 904.7 is being proposed to be amended to reflect changes necessitated by the incorporation of NFPA 25.

Section 905 is being proposed to be amended to reference a C-16 license.

Section 905.2 is being proposed to be reformatted into a table format.

The title of Article 6 is being proposed to be amended to include forms and tags.

Section 906 is being proposed to be amended to clarify the general label and tag requirements.

Section 906.1 is being proposed to be adopted to address labeling requirements of water-based fire protection systems.

Section 906.2 is being proposed to be adopted to address the tagging requirements of engineered and pre-engineered fixed systems.

Section 906.3 is being proposed to be adopted to include reference to the reporting forms required for sprinkler systems, standpipe and hose systems, private fire service mains, fire pumps, water storage tanks, water spray fixed systems and foam-water sprinkler systems.

Proposed NFPA Modified Sections

Amendments, additions or deletions being proposed to NFPA 25 are hereby made to either reflect more restrictive requirement currently in Title 19, address items which are not specifically addressed in either NFPA 25 or Title 19, or specifically addressed in NFPA 25 but for which no substantiating data could be found.

The following Sections of NFPA 25, 2002 edition are being proposed to be amended:

Notice Section is being proposed to be amended to reflect an error in the referenced annex.

Section 2.2 is being proposed to be amended to reflect current Part 2, Title 24 requirements.

Section 3.3.19 is being proposed to be deleted in order to correlate to the definition of inspection being added to Title 19.

Section 3.3.22 is being proposed to be deleted in order to correlate to the definition of maintenance being added to Title 19.

Section 3.3.36 is being proposed to be deleted in order to correlate to the definition of testing being added to Title 19.

Sections 3.3.20, 4.1.4.1, 4.1.6, 4.2, 5.2.1.1, 5.2.1.1.4, 5.2.1.3, 5.2.2, 5.2.2.3, 5.2.3, 5.2.3.3, 5.2.4.1, 5.2.4.2, 5.2.4.3, 5.3.3.1, 5.3.3.2, 6.1.2, 6.2.1, 6.3.1.3, 8.3.4.3, 12.2.6.1, 12.2.7, 12.3.2.1, 12.3.2.1.1, 12.3.3.5.1, 12.4.1.1, 12.4.3.1.3, 12.4.3.1.4, 12.4.3.1.5, 12.4.3.1.6, 12.4.3.2.1, 12.4.3.2.10, 12.4.4.1.4, 12.4.4.2.1, 12.4.4.2.4, 12.4.4.2.6, 12.6.1.1, 12.6.1.1.1, 12.6.1.2, 12.6.1.2.1, A.5.2.1.1.4, A.5.2.2.3, and A.5.2.3.3 are being proposed to be amended and replace the existing corresponding section to reflect current Title 19 requirements.

Sections 4.1.4, 4.3.5 and A.4.1.4 are being proposed to be deleted because these requirements are addressed in Title 19.

Tables 5.1, 6.1, 9.1, 10.1, 11.1, and 12.1 are being proposed to be amended and replace the existing corresponding table to reflect current Title 19 requirements.

Sections 3.6.7, 5.3.3.6, 6.3.1.3.1.1, 6.3.1.3.1.2, 6.3.1.6, 6.3.1.7, 6.3.1.7.1, 9.3.7, 12.7.4, and A.12.7.4 are being proposed to be adopted to reflect current Title 19 requirements.

Tables 6.3.1.6 and 6.3.1.7 are being proposed to be adopted to reflect current Title 19 requirements.

DISCLOSURES REGARDING THE PROPOSED ACTION

The State Fire Marshal has made the following determinations:

1. Mandate on local agencies and school districts: **None**
2. Cost or savings to any other State agency: **None**
3. Cost to any local agency or school district which must be reimbursed in accordance with Government Code, Section 17561: **None**
4. Other non-discretionary cost or savings imposed upon local agencies: **None**
5. Cost or savings in federal funding to the State: **None**
6. Significant adverse economic effect directly effecting business, including the ability of California businesses to compete with businesses in other States: **None**
7. Cost impact on private persons or directly affected businesses: The State Fire Marshal has made the initial determination that the amendments to these regulations will have no substantial effect to small businesses and the State Fire Marshal has not identified any alternatives that would lessen any adverse impact, if any, on small businesses.

Adoption of these regulations will not:

- a) create or eliminate jobs within California;
- b) create new businesses or eliminate existing businesses within California;
or
- c) affect the expansion of businesses currently doing business within California.

8. Significant effect on housing costs: **None**

SMALL BUSINESS EFFECTS

The State Fire Marshal has made the initial determination that the amendments to these regulations will have no substantial effect to small businesses and the State Fire Marshal has not identified any alternatives that would lessen any adverse impact, if any, on small businesses.

CONSIDERATION OF ALTERNATIVES

The State Fire Marshal must determine that no reasonable alternative he considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed action.

The State Fire Marshal invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed regulatory action, or requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, or other information upon which the rulemaking is based may be directed to:

Kevin Reinertson
P.O. Box 944246
Sacramento, California 94244-2460
Telephone: (916) 327-4998
Fax: (916) 445-8459
E-mail: Kevin.reinertson@fire.ca.gov

Alternate Contact:

James Parsegian, Supervising DSFM
P.O. Box 944246
Sacramento, California 94244-2460
Telephone: (916) 445-8415
Fax: (916) 445-8458
E-mail: james.parsegian@fire.ca.gov

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Office of the State Fire Marshal will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office, shown above. As of this date, this notice is published in the Notice Register the State Fire Marshal rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons for the proposed action. The full text of the regulations, along with the final statement of reasons upon which the changes are based is available from the contact person as shown. Copies may be obtained by contacting Kevin Reinertson at the address or telephone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the 45-day comment period, the State Fire Marshal may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text – with changes indicated – shall be made available to the public for at least 15 days before the State Fire Marshal adopts (amends or repeals) the regulations as revised. Requests for copies of any modified regulations should

be sent to Kevin Reinertson at the address indicated above. The State Fire Marshal will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Kevin Reinertson at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of proposed regulations, highlighted in underline and strikeout, can be accessed through our web-site at <http://osfm.fire.ca.gov>.